	Application No.	Applicant(s)		
Notice of Allowability	Application No.	Applicant(s)		
	10/053,373	FANTON ET AL.		
	Examiner	Art Unit		
	Irakli Kiknadze	2882		
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate community GHTS. This application is s	n this application. If not included unication will be mailed in due cou	urse. <b>THIS</b>	
1. This communication is responsive to 10/06/2003.				
2. ☑ The allowed claim(s) is/are <u>1-33</u> .				
3. The drawings filed on 24 October 2001 are accepted by the	e Examiner.			
<ol> <li>Acknowledgment is made of a claim for foreign priority un</li> <li>a) ☐ All b) ☐ Some* c) ☐ None of the:</li> </ol>	der 35 U.S.C. § 119(a)-(d)	or (f).		
<ol> <li>Certified copies of the priority documents have</li> </ol>	been received.			
<ol><li>Certified copies of the priority documents have</li></ol>	been received in Application	n No		
<ol><li>Copies of the certified copies of the priority do</li></ol>	cuments have been received	l in this national stage application	from the	
International Bureau (PCT Rule 17.2(a)).				
* Certified copies not received:		•		
<ol> <li>Acknowledgment is made of a claim for domestic priority ur reference was included in the first sentence of the specifica</li> </ol>	nder 35 U.S.C. § 119(e) (to ition or in an Application Da	a provisional application) since a a sheet. 37 CFR 1.78.	specific	
<ul> <li>(a)  The translation of the foreign language provisional a</li> <li>Acknowledgment is made of a claim for domestic priority ur in the first sentence of the specification or in an Application</li> </ul>	nder 35 U.S.C. §§ 120 and/d		was included	
Applicant has THREE MONTHS FROM THE "MAILING DATE" of below. Failure to timely comply will result in ABANDONMENT of t	this communication to file a	reply complying with the requirer	nents noted	
<ol> <li>A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give</li> </ol>	tted. Note the attached EXA es reason(s) why the oath or	MINER'S AMENDMENT or NOT declaration is deficient.	ICE OF	
<ol> <li>CORRECTED DRAWINGS (as "replacement sheets") mus</li> <li>(a) ☐ including changes required by the Notice of Draftspers</li> <li>1) ☐ hereto or 2) ☐ to Paper No</li> </ol>	on's Patent Drawing Reviev	,		
(b) ☐ including changes required by the proposed drawing co	orrection filed, which	n has been approved by the Exam	niner.	
(c) ☐ including changes required by the attached Examiner's	Amendment / Comment or	in the Office action of Paper No.	·	
Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the			ck) of	
<ol> <li>DEPOSIT OF and/or INFORMATION about the depos attached Examiner's comment regarding REQUIREMENT FOR TI</li> </ol>	SIT OF BIOLOGICAL MATE HE DEPOSIT OF BIOLOGI	ERIAL must be submitted. Note CAL MATERIAL.	e the	
Attachm nt(s)				
1⊠ Notice of References Cited (PTO-892)	5☐ Notice of Info	rmal Patent Application (PTO-15	2)	
<ul> <li>Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statements (PTO-1449 or PTO/SB/08 Paper No</li> </ul>	6☐ Interview Sur	6☐ Interview Summary (PTO-413), Paper No		
	), 7□ Examiner's A	mendment/Comment		
4 Examiner's Comment Regarding Requirement for Deposit of Biological Material	8⊠ Examiner's S 9⊡ Other .	statement of Reasons for Allowand		
-		Craig E. Church	_	
		Craig E. Church Primary Examiner		

## **DETAILED ACTION**

## Response to Arguments

1. Applicant's arguments, see pages 10 and 11, filed October 6, 2003, with respect to claims 1-33 have been fully considered and are persuasive. The rejection of claims 1-33 has been withdrawn.

## Allowable Subject Matter

- 2. Claims 1-33 are allowed.
- 3. The following is an examiner's statement of reasons for allowance:

With respect to claims 1-29 prior art fails to teach or make obvious a system and method for making adjustments to a measurement system comprising modifying an effective width of an X-ray probe beam by tilting a source generating the X-ray probe beam as claimed.

With respect to claims 30-33 prior art fails to teach or make obvious apparatus to optimize the evaluation a sample comprising a mechanism for adjusting a resolution of the apparatus by tilting an X-ray source as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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## Conclusion

The prior art made of record and not relied upon is considered pertinent to 4. applicant's disclosure. Annis (US Patent 4,260,898), Briska et al. (US Patent 4,169,228) and Wang (US Patent 4,649, 559) disclose mechanism adjusting resolutions for the X-

ray systems.

5. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Irakli Kiknadze whose telephone number is (703)

305-6464. The examiner can normally be reached on M-F(8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ed Glick can be reached on (703) 308-4858. The fax phone number for the

organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.

Irakli Kiknadze January 9, 2004

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Crong E Church

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Craig E. Church Primary Examiner